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Just What Are We Cooking Up in the Caribbean?

There are several alarming aspects to our establishment of a naval blockade off Central America. The first is the light it throws on the free-and-easy wheeling methods by which foreign policy can be made in Washington. Though the President's order for the blockade was issued from Augusta on Thursday afternoon, Nov. 17, the Navy Department had teed off several days earlier. According to the Pentagon correspondent of the *Washington Post* (Nov. 18), the Navy said its P2V aircraft had begun patrolling the Central American coast on Monday and the ships for the patrol had started out the week-end before the Presidential declaration. According to E. W. Kenworthy's dispatch in the *New York Times* (Nov. 20) Guatemala and Nicaragua that week-end "made an oral request for the naval patrols and the Navy promptly responded." Mr. Kenworthy reported that many diplomats in Washington "both in the State Department and in the Latin-American embassies were unhappy at the confusion and melodrama which attended the White House announcement."

No Evidence Castro to Blame

Another disturbing aspect is the unilateral character of the intervention, which recalls the days of gunboat diplomacy Even the Republican *New York Herald-Tribune* in an editorial (Nov. 19) said "It would have been better had the dispatch of naval vessels . . . been conducted under a mandate from the OAS" and the *Washington Post* editorial (Nov. 18) also said "It would be far better if any necessary military action had the cloak of international sanction." Unfortunately such cloaks can be obtained only with some semblance of evidence. The *Washington Star* reported, however (Nov. 18) that the State Department "has no firm evidence that Central American invasion forces are at sea" while Marguerite Higgins wrote in the *New York Herald-Tribune* (Nov. 15) that "there is no hard evidence that the central direction of the rebel movement comes from Havana." Little more than a year ago, in June, 1959, Nicaragua went to the OAS with a complaint that Castro's Cuba was behind a revolt which had just been attempted against the Somoza dictatorship. The OAS, over Cuba's objections, appointed an investigating committee but it failed to bear out the charge and found that the rebels had obtained their arms on the black market in Costa Rica. This time evidence is again lacking. Kenneth Colegrove of Scripps-Howard reported from Guatemala City Nov. 19 (*Washington Daily News*) that when the rebels surrendered in Puerto Barrios, "there was no evidence of Castro-type activities there. . . . Nor was there evidence of Cubans supplying arms."

Puerto Barrios, last stronghold of the Guatemalan rebels, surrendered on Wednesday, Nov. 16 and the same day Nicaragua announced that its revolt was crushed. Why, then, the flamboyant announcement from Augusta the following day? The election is over. So is the revolt. Why, then, the marshalling of a 33,000 ton aircraft carrier and four destroyers, a huge armada against the mosquito boat fleets available in the Caribbean? Is this really a tryout for the more dangerous game of throwing a blockade around Cuba? Hanson Baldwin in the *New York Times* last Sunday (Nov. 20) said it could be a precedent for such action. To interfere with Soviet freighters carrying supplies to Cuba would invite serious complications.

There is also some ground to fear that the CIA may be preparing an invasion of Cuba. *The Nation* (Nov. 19) said Dr. Ronald Hilton, director of the Institute of Hispanic-American Affairs at Stanford, was told on a recent visit to Guatemala that the CIA had acquired a $1,000,000 tract of land near the seacoast which was being used to train Cuban counter revolutionaries for an invasion. From Guatemala City a *New York Times* correspondent Nov. 20 quoted President Ydigoras as denying this report and insisting that the land was being used by his army for guerrilla warfare training and that the project was not U.S. subsidized. But when opposition deputies asked for an investigation after these reports were published in the Guatemalan newspaper, *La Hora,* it was refused on the grounds of military secrecy. Just what *are* we cooking up in the Caribbean? *Nov. 22*

What We're Protecting in Nicaragua

"There has been little political change or development in Nicaragua since 1936. In that year, Gen. Anastosio Somoza, the head of the national guard, seized the presidency and ruled as a dictator for the next generation. Like his counterpart, General Trujillo, in the Dominican Republic, Somoza's monopoly on the means of violence was used to promote the selfish ends of the family. Systematic graft and the accumulation of vast commercial and agricultural holdings through use of political power made the Somozas one of the wealthiest families in the Americas.

"Following the assassination of the dictator in 1956, his two sons have tried to carry on. Luis Somoza is now President, and his younger brother, 'Tachito,' heads the National Guard. During the past year, there have been indications—notably popular demonstrations and an attempted invasion by exiles—that the Somoza family may not be able to continue to dominate and exploit Nicaragua in the manner they have so long become accustomed to."

—Post War Political Developments in Latin America, a study for the American Republics subcommittee of Senate Foreign Relations Committee prepared by the University of New Mexico School of Inter-American Affairs and made public November 19, 1959.

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Little Prospect of Clear Decision on Pillorying of Critics by House Un-Americans

Outlook Poor for Braden and Wilkinson in Supreme Court

By Daniel M. Berman *

Libertarian principles seldom win vindication these days in the Supreme Court. Worse yet, those who defend them keep out of jail only if they can rest their appeals on narrow, technical grounds that can be used to benefit no one else. Last week's argument in the Braden and Wilkinson cases indicated that Carl Braden may gain at least a temporary victory against the Un-American Activities Committee. But the probable grounds will delight only specialists in legal hairsplitting. Frank Wilkinson, whose case presents almost unavoidable constitutional problems, may be headed for the penitentiary.

The two men deserve better than this. Braden is being persecuted for his devotion to integration and civil liberties; his current ordeal follows hard on his "sedition" prosecution in Kentucky for helping a Negro to buy a home in a white neighborhood. Wilkinson is being punished for leading a nationwide campaign to abolish the Un-American Committee.

The Balancing in Barenblatt

Whether Braden will win probably depends on Justice Stewart, who cast the deciding vote that sent Lloyd Barenblatt to prison. In that case, the Court used Justice Frankfurter's handy balancing test to determine that the Government's interest in protecting itself from violent overthrow outweighed Barenblatt's right to be free from official harassment for his political views. Thus questions about connections with Communism, the majority said through Justice Harlan, were proper.

But the question on which the Court of Appeals based its affirmance of Braden's conviction had nothing to do with the Communist Party. It concerned the Emergency Civil Liberties Committee. Braden's appeal might be won on that distinction. Or, since he declined to answer another question that *did* relate to Communism, the Supreme Court could remand his case to the Court of Appeals, which upon second thought might base an affirmance on that ground. On the other hand Wilkinson's conviction rested on a question directly related to Communism and thus offers the Court no easy way to distinguish the case from Barenblatt.

There is little hope that the Court will deal with the most critical problem which the two cases present: whether the Un-American Committee may pillory people whose only crime is their opposition to the Committee and what it stands for. Even McCarthy in his heyday had trouble selling the theory that opposition to him was evidence of subversion. Will Walter succeed where McCarthy failed?

The Un-American Committee's counsel, Richard Arens, had made no effort to conceal the reason for subpoening Wilkinson. It was because he had been sent to Atlanta ". . . by the Communist Party for the purpose of developing a hostile sentiment to this committee and to its work. . . ." In the Supreme Court, the Government defended the Committee's right to summon its critics. The reasoning: "This committee constantly has before it the issues whether it should be abolished, continue its present course, or change or expand its activities." The Committee may "evaluate" the source of proposals that it be done away with.

Chief Justice Warren was appalled. Could the Committee wring testimony from anyone who promoted opposition to Congressional policies? The Government counsel replied that the Committee would have to have a valid legislative purpose for its questions and reason to think that the witness could further it. Would it be reason enough, inquired Justice Brennan, if the Committee counsel merely asserted, "The Committee has information that you are a Communist"? Yes, replied Assistant Attorney General J. Walter Yeagley.

Although Justice Frankfurter commented that he might, as a private citizen, "sympathize with the effort to get rid of the Committee," he made it plain that, as a Justice he would defend the Committee's right to compel testimony from those who try to influence Congress. A Senate committee, he noted tartly had once done the same. "That was my committee," said Justice Black quietly. Black, as Senator directed a 1935 investigation into the origin of faked telegrams against the public utilities holding company act.

There was little in Frankfurter's comparison, for the Un-American Committee has never received the specific Congressional mandate to investigate lobbying which Black had. But, if the analogy had scant logical value, it had considerable psychological importance as a clue to Frankfurter's thinking. To him there is no significant difference between the activities of a public utility and those of a social critic. Government may regulate both, in spite of the First Amendment.

Black, on the other hand, interprets the First Amendment as prohibiting any legislation to discourage or punish political utterances. Since Congressional investigations are supposed to pave the way for legislation and since laws in First Amendment fields would be unconstitutional, he concludes that the type of inquiry pursued by the Un-Americans cannot be justified. Questions about one's political beliefs, expressions, and associations, he says, are never pertinent to a valid legislative purpose. But Black's view of the Bill of Rights does not command the support of a majority on the Court.

Warning the Supreme Court

"One Louisiana legislator suggested that the House Un-American Activities Committee investigate Justices of the Supreme Court. Rep. James Pfister of New Orleans, chairman of a similar committee in the Louisiana legislature, asked U.S. Rep. Edwin Willis, a member of the Congressional committee, why such a check hasn't been made on the Justices before now.

"Willis on a visit to the legislature said, 'There has not been any evidence brought before us that would justify it. If the evidence is there and it is presented, it is our policy to pursue the Communist conspiracy wherever it might lead.

"But Willis quickly added: 'I am not saying and I wouldn't dare say that any member of the Supreme Court is of this color or that color. We must have supporting evidence to ask that question.'"

—Washington Post dispatch from Baton Rouge, La., Nov. 17, early editions only.

*** I was unable to cover the argument in the Supreme Court because of a previous engagement to speak at a meeting in St. Louis against the Congressional witch hunt and asked Dr. Berman, assistant professor of political science at Washington College, to cover it for the Weekly—IFS.**

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Labor Spokesman on Nuclear Energy Calls on Kennedy for Effective Action

No Clear Authority for Protecting Public From Radiation Hazards

Remarkably little attention was paid by the press to the release last week of a report by the Holifield subcommittee of the Joint Committee on Atomic Energy. It dealt with "Radiation Protection Criteria and Standards: Their Basis and Use." One reason is that the subcommittee was too timid or too busy to issue a real report on the seven days of testimony it heard on this problem last May and June. Instead it released a weak "Summary-Analysis" of the hearings.

The summary shows that despuite the establishment in August 1959 of a Federal Radiation Council there is almost inextricable confusion in the business of protecting the public from the growing health dangers involved in the use and disposal of nuclear materials. The Council is a model of how easily good intentions can be undercut by a desire to keep everybody happy. The powers of the Council; its relations to the military, the AEC and private industry, remain unclear.

The Chief Obstacles

One obstacle to clarity is Republican nonsense about giving control of radiation hazards to the States; another is the usual industrial resistance to effective regulation, a third is the unwillingness of the military to let a civilian agency tell them how much radiation it shall be allowed to add to the amounts already in the atmosphere.

Clearer guidelines are coming from labor. Leo Goodman, secretary of the atomic energy technical committee of the AFL-CIO, made an illuminating speech Nov. 15 to Pennsylvania's Occupational Safety Conference in Harrisburg. He called on the President-elect, in the course of reviewing regulatory agencies, to take a fresh look at the nuclear field. Mr. Goodman urged repeal of these provisions in the 1954 Atomic Energy Act which allow the AEC to transfer responsibility to the States. He proposed a separate Federal agency with power to control and regulate radiation hazards from all sources. He challenged as a public relations myth the idea that atomic industry has "a perfect record of safety", as claimed by the government in the Detroit Edison case. Goodman declared that there had been some 300 accidents in nuclear industry, and that many had been kept from the press. He charged that nuclear workers were being subjected to four times as much radiation as previously.

A Pandora's box of evils has been opened by the discovery of nuclear energy; this will haunt mankind. It may do irreparable harm even without war to our species. This is an area which cries out for more public knowledge and more effective public action.

To Eisenhower for Morton Sobell

Eight years ago when President Truman was in the closing days of his Administration, we appealed to him in the pages of the New York Daily Compass to prevent a savage sentence and commute the death penalty imposed on the Rosenbergs to the 30-years which was the alternative fixed by the statute. We hope readers by personal letter to the White House will join in asking President Eisenhower in the closing days of his Administration to commute the 30 year sentence imposed on Morton Sobell to the more than ten years he has already served. Two such appeals, one signed by 1200 clergymen and another by 600 other Americans, were made public at a conference in Washington last week-end, as was a cable of support from Bertrand Russell. Dr. Reinhold Niebuhr, Norman Thomas and Martin Luther King were among those participating in the appeal. Prof. Thomas I. Emerson of Yale Law School in a panel discussion during the conference reviewed the two bases of the appeal. One is the tenuous character not only of the evidence against Sobell but even of the charge. The other is that even if guilty the sentence was all out of proportion to the charge and a reflection of hysteria. In the more temperate atmosphere of England, Dr. Klaus Fuchs was given only 14 years and Allan Nunn May, 10 of which he served less than seven though theirs was a proven crime of atomic espionage. David Greenglass, given only 15 years on charges more serious than those brought against Sobell, has now been released. It is time Sobell were freed, too.

Unfit to Print (Except in Britain) About the U.S. Envoy in the Congo

The portrait of Clare Hays Timberlake, U.S. Ambassador in the Congo, which the New York Times published Nov. 28 was as friendly but more discreet than an earlier one which the London Daily Express published Sept. 21. That paper's correspondent in Leopoldville described him as "the man who called in the UN airlift—the American airlift under UN's colors." He reported that one night in the turbulent days after independence Timberlake phoned Washington and said, "You've got to get the United Nations in, or the Russians take over." The Daily Express account said this was relayed by Under Secretary Dillon to Eisenhower and "History will probably record that was the night the West saved the day in the Congo."

"There is no doubt whatever in my mind," the British correspondent wrote of Timberlake, "that he will be a great success in the diplomatic world of today, where it is a straight fight between West and East. Whether or not he will prove a good friend of Britain remains to be seen. He is known to be immensely pro-German. His last post was Bonn and men who know him say it has left its mark. There is also talk—nothing more yet—of a 'holding company' composed of Americans, Germans and British (in that order I fear) operating the vast interests of the Union Miniere."

Writing shortly after Mobutu seized power and drove the Russians and Czechs out of Leopoldville, the Daily Express man wrote, "He knows Mobutu and there is constant contact—not necessarily at the top—between both camps. It is said that the Congolese, who were ignorant of procedure sought American guidance before they knew how to go about the throwing out of the Russians."

The British correspondent also recorded some Timberlake frustrations: "Mobutu—ex-reporter and graduate of the military school at Luluabourg—is by no means the all-powerful figure he would seem following his high-handed treatment of the Russians and Czechs. So far Timberlake's influence has failed to persuade Kasavubu's nominee for Prime Minister, Joseph Ileo, to move into the official prime ministerial residence and behave in the manner his office demands. Even so, it is hard to blame Timberlake for the failure to consolidate his week-end diplomatic victory over the Russians. The Congolese seem incapable of producing a man of lasting decision—and all Timberlake can do is keep trying."

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Dodd Says Those Who Demand Rules Reform Are A Menace to Representative Government

Rayburn Reassures the Nation on Radicalism and Texas on Oil Depletion

Speaker Rayburn has given his first post-election interview (*U.S. News & World Report* Nov. 28). The most interesting thing in it is the absence of any reference to changes in the rules. He said he hoped Congress would close any tax loopholes but added that "the oil people" have no cause for fears about their 27½ percent oil depletion allowance. "I don't look upon it," he said, "as a loophole." He thinks the new Congress will pass a housing bill, a minimum wage bill and a school construction bill, but not with aid for teacher salaries because "a great many people" believe this would lead to Federal dictation. "Do you foresee," he was asked, "any action by Congress that might be called 'radical'?" Speaker Rayburn said he did not, and that he never had considered himself a radical. We are glad to be reassured.

Mansfield Reverses Himself on Filibuster

While the Speaker stands firm against innovation, the man in line for the majority leadership in the Senate seems to have come full circle on the question of rules reform. On *Youth Wants to Know* Oct. 16, Senator Mansfield said he was in favor of maintaining the filibuster. But on Nov. 17 in a radio interview over *Time-Life's* midwestern stations, the Senator said "offhand I'd like to see something done on the order of what Senators Douglas and Clark recommended at the beginning of the 86th Congress . . . sixteen Senators could sign a petition and that way bring an end to debate by majority vote." The Senator is a mercurial fellow; he voted against the Clark-Douglas proposal at the time.

Democratic party platform pledges on reform of the rules are not only being shelved but Senator Dodd, who was a member of the platform committee, went so far (in a speech before the New England Society in New York Nov. 21) as to attack the idea that "platforms *ought* to mean something" —his italics. "Should this idea become widely held," he observed, "it would constitute a great threat to the representative system." As vice chairman of the Senate Internal Security Committee, Dodd is of course an expert on threats to our form of government, and there was an almost big-brother-is-watching-you chill about his attack on those "liberal innovators" who "whittle away at the deliberative process, when they attack the committee system in Congress, when they condemn its rules as antiquated." We began to feel downright subversive for having even mentioned the subject.

U.S. Intellectuals Support French

Two months ago a group of French intellectuals, including Jean-Paul Sartre, Francoise Sagan, Simone Signoret (the movie actress), Claude Roy and Simone de Beauvoir, published a manifesto upholding as a sacred duty refusal to serve in the Algerian war. They were subjected to loss of jobs in government institutions and cultural projects and are now threatened with indictment on criminal charges.

On November 20, a "statement of faith" supporting them was released by 52 professors of Harvard, MIT, Brandeis and Boston Universities. Paul Tillich, Perry Miller, David Riesman, Aldous Huxley, Gordon Allport and Harry T. Levin were among those who declared, "We senior members of the American academic community express our admiration for those Frenchmen who courageously signed a manifesto against military service in the Algerian war on grounds that it violates their conscience, and who are now facing the sanctions and punitive actions of the state."

The other signers were:

Harvard: Herbert Dieckman, Richard Durbin, Franklin L. Ford, H. Stuart Hughes, Dorothy Lee, Barrington Moore, Jr., and John Wild.

MIT: Noam Chomsky, Giorgio de Santillana, and Huston Smith.

Brandeis: David S. Berkowitz, Leo Bronstein, Lewis Coser, James E. Duffy, Richard M. Held, Irving Howe, Edgar N. Johnson, James B. Klee, Henry Linschitz, Frank Manuel, Herbert Marcuse, Abraham A. Maslow, Harry Rand, John R. Roche, David Sachs, Milton Sacks, Morris S. Schwartz, Marie Syrkin, Maurice R. Stein, Eugene Victor Walter, and Kurt H. Wolff.

Boston: Harrell F. Beck, Theodore Brameld, Allen Knight Chalmers, Robert S. Cohen, Paul K. Deats, L. Howard De Wolf, Nils Ehrenstrom, Paul E. Johnson, Louis Lowy, Camillo P. Merlino, Herbert B. Myron, Jannette E. Newhall, Gene K. Phillips, S. Paul Schilling, and Armand Siegel.

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